

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	Case No. 09-39313
DEEP MARINE HOLDINGS, INC.;	§	(Jointly Administered)
et al.	§	
	§	
Debtors	§	Chapter 11

DEEP MARINE 1, LLC,	§	
	§	
Plaintiff	§	
	§	
v.	§	
	§	
THE DEEP MARINE LIQUIDATING	§	Adversary No. 10-3271
TRUST (AS SUCCESSOR TO DEEP	§	
MARINE TECHNOLOGY	§	
INCORPORATED, DEEP MARINE	§	
HOLDINGS, INC., DEEP MARINE 1, LLC	§	
DEEP MARINE 2, LLC, DEEP MARINE 3,	§	
LLC, AND DEEP MARINE 4, LLC); ET AL	§	
	§	
Defendants	§	

**GENERAL ELECTRIC CAPITAL CORPORATION'S MOTION FOR
GENERAL ELECTRIC CAPITAL CORPORATION'S
EXPEDITED HEARING ON ITS MOTION TO COMPEL
THE DEPOSITIONS OF THE CANDIES PARTIES**

Pursuant to Rule 37 of the Federal Rules of Civil Procedure, General Electric Capital Corporation (“GE”) files this Motion for Expedited Hearing on Its Motion to Compel the Depositions of the Candies Parties (“Motion for Expedited Hearing”) and, in support thereof, states as follows.

1. GE, Otto Candies, and the Liquidating Trust are parties to Adversary No. 10-3271 (“Interpleader Suit”), which is scheduled for trial on June 6, 2011. The discovery deadline for the lien issues is scheduled for April 15, 2011. GE has been

attempting to secure the testimony of the corporate representative of Otto Candies, LLC, Otto Candies, Jr., Otto Candies, III and Paul Candies (collectively, "Candies Parties") since January of 2011 in the Interpleader Suit.

2. In Conjunction with this Motion for Expedited Hearing GE has filed its Motion to Compel detailing each of the five efforts it has made to obtain available dates to depose the Candies Parties from counsel for the Candies Parties.

3. GE sets forth how its good faith efforts to secure the testimony of the Candies Parties prior to the discovery deadline of April 15, 2011, have been met with continued resistance and opposition. GE explains in its Motion to Compel how its has attempted to obtain dates to depose the Candies Parties with virtually no cooperation, and delay on the part of the Candies Parties at this time is unnecessary and transparent. GE details how it has endeavored to move these matters forward, while the Candies Parties have stonewalled GE.

4. Consequently, for the reasons set forth above, pursuant to Rule 37 of the Federal Rules of Civil Procedure, GE is requesting that this Court issue an Order compelling the corporate representative of Otto Candies, LLC to appear on April 5, 2011; Otto Candies, Jr. to appear on April 6, 2011; Otto Candies, III to appear on April 7, 2011; and Paul Candies to appear on April 8, 2011 at the offices of Adams and Reese, LLP, located at 1221 McKinney, Suite 4400, Houston, Texas, 77010 at 9:30 a.m. for their depositions to be taken. In addition, GE has incurred substantial (and unnecessary) expenses and attorneys' fees due solely to the Candies Parties' lack of cooperation and delay in setting simple depositions. Accordingly, GE is seeking an award of expenses and attorney's fees associated with the filing of this motion pursuant to Rule 37(a)(5).

5. The discovery deadline of April 15, 2011 is rapidly approaching. GE must take these and other depositions within approximately three weeks to adequately prepare for trial. Thus, GE is requesting an expedited hearing on its Motion to Compel in order that it may confirm the dates for deposing the Candies Parties and move forward and schedule additional depositions in the Interpleader Suit.

WHEREFORE, GE requests that this Court issue an Order Granting its Motion for Expedited Hearing and for all other relief to which GE may be entitled in law and equity.

Respectfully submitted,

ADAMS AND REESE LLP

By: /s/ Susan C. Mathews

John Duck *
Federal Bar No. 17156
Susan C. Mathews
State Bar No. 05060650
Michael N. Mire
State Bar No. 24010757
4400 One Houston Center
1221 McKinney
Houston, TX 77010
Telephone: (713) 652-5151
Facsimile: (713) 652-5152

***Attorneys for Defendant,
General Electric Capital Corporation***

* Admitted in the State of Louisiana.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been forwarded to all parties on the attached Service List via electronic file notification by the Clerk of the Court, except those parties as indicated (*), on this 18th day of March 2011.

/s/ Susan C. Mathews

Susan C. Mathews

SERVICE LIST

<p><u>Counsel for Plaintiff – Deep Marine 1, LLC</u> Jason G. Cohen William Alfred Wood, III Bracewell & Giuliani LLP 711 Louisiana St, Ste 2300 Houston, TX 77002 713-221-1416 Fax : 713-221-1212 Email: trey.wood@bgllp.com Email: jason.cohen@bgllp.com</p>	<p><u>Deep Marine Liquidating Trust</u> John Bittner, Liquidating Trustee Grant Thornton LLP 1717 Main Street Suite 1500 Dallas TX 75201 214-561-2300 Fax: 214-561-2370 Email: John.Bittner@GT.com</p>
<p><u>Counsel for Defendant – Otto Candies, LLC</u> Thomas S. Henderson, III Thomas S. Henderson, Attorney at Law 711 Louisiana, Ste 3100 Houston, TX 77002 713-227-9500 Fax: 713-620-3023 Email: thenderson@tsh-atty.com</p> <p>David Carrigee Baldwin Haspel Burke & Mayer, LLC 1100 Poydras St., Suite 2200 New Orleans, Louisiana 70163 504-569-2900 Fax: 504-569-2099</p>	<p><u>Defendant – NREC Power Systems, Inc.</u> Bryan F. Chaisson NREC Power Systems CEO/Vice President 5222 Hwy 311 Houma, LA 70360-2878 <i>*via-first class mail</i></p>
<p><u>Counsel for Defendant – CapRock Communications, Inc.</u> Edward L Rothberg T. Joshua Judd Hoover Slovacek, LLP 5847 San Felipe, Suite 2200 Houston, TX 77057 713-977-8686 Fax : 713-977-5395 Email: rothberg@hooverslovacek.com</p>	<p><u>Counsel for Defendant – Crossmar, Inc.</u> Andrew T. Lilly Stephen Lynn Williamson Ryan Matthew McCabe Montgomery Barnett, LLP 3300 Energy Centre 1100 Poydras Street New Orleans, LA 70163 504-585-7637 Fax: 504-200-8937 Email: alilly@monbar.com Email: swilliamson@monbar.com Email: rmccabe@monbar.com</p>